

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

CAMERON KEMP

CIVIL ACTION NO. 19-0799

VS.

SECTION P

JUDGE ELIZABETH E. FOOTE

DONALD BELANGER, JR., ET AL.

MAG. JUDGE KAREN L. HAYES

**JUDGMENT**

The Report and Recommendation of the Magistrate Judge having been considered, together with the written objections thereto filed with this Court, and, after a *de novo* review of the record, finding that the Magistrate Judge's Report and Recommendation is correct and that judgment as recommended therein is warranted,

IT IS ORDERED, ADJUDGED, AND DECREED that Plaintiff Cameron Kemp's claims against Judge R. Lee Irvin, Judge Erin Garret, Assistant District Attorney Ross Owen, and Prosecutor Monique Davis, as well as Plaintiff's claim that Officer Belanger committed perjury, are **DISMISSED WITH PREJUDICE** as frivolous, for failing to state claims on which relief may be granted, and for seeking monetary relief against defendants immune from such relief.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's claims relating to his charge for possession with the intent to distribute a schedule 1 CDS, which arise from his June 21, 2018 arrest, are **STAYED** under the following conditions:

- a. If Plaintiff intends to proceed with his claims, he must, within thirty (30) days of the date the criminal proceedings against him have concluded, file a motion to lift the stay;
- b. If the stay is lifted and the Court finds that Plaintiff's claims would impugn the validity of his conviction, the action will be dismissed under *Heck*; if no such finding is made, the action will proceed absent some other bar to suit;

c. Plaintiff should not file any more documents concerning these particular claims until the state court proceedings conclude; and

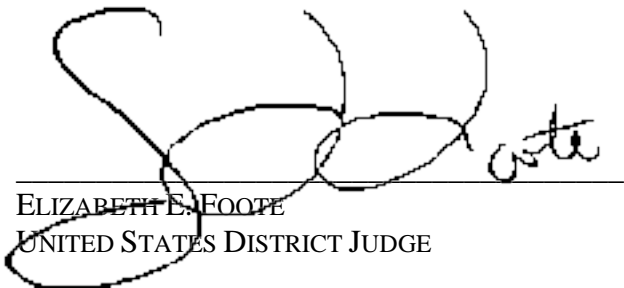
d. Defendants shall not be required to answer these particular claims during the stay, and Plaintiff may not seek a default judgment or conduct any discovery during the stay.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's claim against Officer Belanger, relating to the conviction arising from Plaintiff's April 3, 2019 arrest, is **DISMISSED WITH PREJUDICE** as frivolous until the *Heck* conditions are met.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, with the exception of Plaintiff's excessive force claim against Officer Belanger, Plaintiff's remaining claims are **DISMISSED WITH PREJUDICE** as frivolous and for failing to state claims on which relief may be granted.

Finally, in his objection to the Report and Recommendation, Plaintiff requests the Court's permission to amend the instant lawsuit to add an Officer Haygood as a Defendant. Record Document 19, pp. 3–4. Plaintiff is instructed that an opposition to a Report and Recommendation is not the proper vehicle for such a request. If Plaintiff seeks to add additional defendants, he must file a motion pursuant to Federal Rule of Civil Procedure 15.

SHREVEPORT, LOUISIANA, this 14th day of May, 2020



ELIZABETH E. FOOTE  
UNITED STATES DISTRICT JUDGE